IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.152 OF 2007

WITH

CIVIL APPLICATION NO.224 OF 2007

Mr.Cytiaco D'cruz ...Appellant

Versus

Mr.Joseph Braganza & Ors. ...Respondents

.....

Mr.Vineet Naik with Mr.Paresh Madgaonkar & Mr.Amit Karkhanis i/b India Law Alliance for Appellant.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

MARCH 13, 2007.

P.C.

1. None appears for the Respondents. Heard Mr.Naik for the Appellant.

2. Arguable questions are raised.

3. Admit.

4. Insofar as interim relief is concerned, operation of the impugned Judgment will have to be stayed as I find substance in the argument of the Appellant that the Trial Court having recorded positive finding that the Plaintiff has not succeeded in making out prima facie case that he was residing in the club premises, the question of granting interim relief in favour of such Plaintiff does not arise. Accordingly stay of operation of the impugned Judgment and order till the disposal of the Appeal.

5. Civil Application disposed of accordingly.

A.M.KHANWILKAR, J.